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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,956	07/19/2000	Edgar Allan Tu	FUSN1-0110US0	2142
28554	7590	07/27/2005	EXAMINER	
VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/618,956

**Applicant(s)**

TU ET AL.

**Examiner**

Kenneth R. Coulter

**Art Unit**

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Independent claim 1 teaches “remote devices (that) do not include remote access software”.

In Figure 5 (top right-hand side), “REMOTE DEVICE ATTEMPTS LOGIN TO CENTRAL SERVER SYSTEM” is taught, which contradicts the assertion that no remote access software is in the remote device.

Also, page 22, lines 10 – 12 teaches “a user having a remote device will attempt to login to central server system 12 and central server system 12 will establish (if possible) a SSL connection.” This also contradicts the assertion that no remote access software is in the remote device.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 11 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

Independent claim 1 teaches “remote devices (that) do not include remote access software”.

The argument above shows that this feature is not supported in the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 - 9 and 12 - 18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bastian (U.S. Pat. No. 6,757,712) (Communications Systems for Aircraft).

5.1 Regarding claim 1, Bastian discloses a method for remotely accessing a base computer from internet-enabled remote devices wherein the remote devices do not include remote access software, comprising in combination:

establishing a remote access session with one of the remote devices at an internet central server system (Abstract; Fig. 1);

presenting a task list (Abstract; Fig. 1) to the remote device from said central server system (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 - 41);

receiving a task selection at said central server system from the remote device (Abstract; Figs. 1, 3; col. 8, lines 10 - 41);

establishing a persistent connection between said central server system and a base computer in response to intermittent contact from said base computer to said central server system (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 1 - 3);

transmitting said task from said central server system to the base computer via said connection between said central server system and said base computer (Abstract; Figs. 1, 3; col. 8, lines 10 - 41);

receiving at said central server system task data from the base computer responsive to said transmitted task (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 - 41); and

presenting from said central server system a task response compiled from said task data to the remote device (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 - 41).

5.2 Per claims 2 - 9, Bastian teaches the particulars regarding terminating remote access (col. 5, lines 44 – 51 “after exchange has been completed, the connection is **terminated**.”); particular protocols (col. 5, lines 18 – 23; col. 12, lines 1 - 8); user authentication (col. 2, lines 54 - 61) and secure communication (col. 14, lines 19 - 30); communication encryption (col. 14, lines 19 - 30); and establishing a communication link between the base computer and server when the base is not already connected to the Internet (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 1 - 3).

5.3 Regarding claims 12 - 18, the rejection of claims 1 - 9 under 35 USC 102(e) (paragraphs 5.1 and 5.2 above) applies fully.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 9 and 12 - 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

7. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER  
PRIMARY EXAMINER  
